

HCS HB 28 -- NATURAL AND MAN-MADE DISASTER ORDINANCES
(Lichtenegger)

COMMITTEE OF ORIGIN: Committee on Local Government

This substitute authorizes any county, municipality or fire protection district to adopt orders or resolutions, including burn ban orders if there is a Keetch-Byram Drought Index of 625 or more, as they specifically relate to the actual or impending occurrence of a natural disaster of major proportions within the county of the municipality or fire protection district when the safety and welfare of the inhabitants of the county are jeopardized. The orders or resolutions may include a penalty for a violation as an infraction or a misdemeanor. A state agency responsible for fire management or suppression activities and a person conducting agricultural burning using best management practices will not be subject to the orders or resolutions.

The substitute also authorizes a county commission to adopt by order reasonable regulations relating to its emergency management functions and operations and conditions controls, including burn ban orders if there is a Keetch-Byram Drought Index of 625 or more, as they specifically relate to the actual occurrence of a natural disaster within the county when the health, safety, or welfare of the inhabitants of the county are threatened by actual or impending circumstances. The regulations may include a penalty for a violation as an infraction or a misdemeanor and can include monetary fines. A state agency responsible for fire management or suppression activities and a person conducting agricultural burning using best management practices will not be subject to the orders or resolutions.